



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 5, 1998

Captain Robert Taylor  
Amarillo Police Department  
City of Amarillo  
200 E. 3<sup>rd</sup>  
Amarillo, Texas 79101-1514

OR98-0012

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 111397.

The Amarillo Police Department received an open records request for the "full narrative report" pertaining to a particular homicide. You contend that the requested information is excepted from required public disclosure pursuant to section 552.108(a) of the Government Code.

Section 552.108(a) of the Government Code, as amended by the Seventy-fifth Legislature, excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

You assert that the report at issue is excepted from disclosure "because the case has not been adjudicated and therefore has not resulted in a conviction or deferred adjudication against any person."

Generally, a governmental body claiming an exception from disclosure under section 552.108(a)(1) must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You have not stated that the requested information pertains to an ongoing criminal investigation or prosecution nor have you explained how its release would interfere in some way with the detection, investigation, or prosecution of crime.

A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. It is not clear to this office, nor have you explained, how or if the investigation actually concluded.

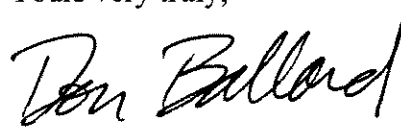
You do not assert that the information at issue was prepared by an attorney representing the state or that it reflects the mental impressions or legal reasoning of an attorney representing the state. Thus, section 552.108(a)(3) is inapplicable to the documents at issue. Since you have not shown the applicability of section 552.108 to the records at issue, you must release the information to the requestor.

You additionally contend that the identity of the "Person Reporting" contained in the offense report is protected from public disclosure because this individual has requested that his identity be kept confidential. Based upon the information provided to this office, we do not believe that you have shown special circumstances sufficient to overcome the presumption of public access to the identity of the "Person Reporting." This information therefore must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Don Ballard". The signature is fluid and cursive, with a long horizontal stroke at the end.

Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/RWP/ch

Ref.: ID# 111397

Enclosures: Submitted documents

cc: Ms. Marla Feddock  
Frontier Adjusters  
P.O. Box 686  
Amarillo, Texas 79105  
(w/o enclosures)